

REMARKS

Entry of the present amendment in the above-listed application is respectfully requested. It is earnestly believed that the present amendment places the application in condition for allowance and, thus, entry of the amendment is appropriate.

By the present amendment, Claims 1, 4, 7-12, 14, 16-19, 21, 24-30, and 32-34 have been amended to define more clearly the claimed invention. Accordingly, Claims 1-34 are being prosecuted herein. It is believed and intended that no new matter has been added by this amendment. Reconsideration and allowance of all claims are respectfully requested in view of the following remarks.

I. Drawing objection

The Examiner objected to the drawings as failing to comply with 37 CFR § 1.84(p)(4), stating that reference character “36” has been used to designate both suction hose (§0018) and vacuum nozzle (§0018). Paragraph 0018 of the specification has been amended in the manner set forth above to overcome this objection, which the Examiner is respectfully requested to withdraw.

II. Claim rejections under 35 U.S.C. § 112

The Examiner rejected Claims 1-34 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Examiner is thanked for her detailed listing of claim language to which she specifically objected. Claims 1, 7-12, 16-19, 24-29, and 32-34 have been amended to overcome the

rejection. Such amendments are not made in response to the prior art and do not narrow the scope of the claims.

III. Claim rejections under 35 U.S.C. § 102

The Examiner rejected Claims 1-3, 9, 12-13, 18-20, 29, and 34 under 35 U.S.C. § 102(b) as being anticipated by PCT Application Publication No. WO 88/09848, published 15 December 1988 by Morningfield Limited (hereafter referenced as “the ‘848 application”). Following the Examiner’s convention, we will discuss the ‘848 application largely in terms of PCT Application Publication No. WO 87/01404, published 12 March 1987 by Duncan Vehicles Limited (hereafter referenced as “the ‘404 application”), which is incorporated by reference on page 1 of the ‘848 application. The Applicant respectfully traverses this rejection for at least the following reasons.

As amended, Claim 1 recites a vacuum sweeper vehicle. A sweeper body includes a frame having attached thereto an axle apparatus. A pair of steerable front wheels are supported by the axle apparatus at a forward end of the sweeper body. The axle apparatus comprises a plurality of axle members arranged to surround and define a space between the front wheels. A pair of rear wheels are supported at a rearward end of the sweeper body. A container is coupled to the sweeper body for receiving debris. A suction hose extends between the container and a vacuum nozzle proximal the forward end of the sweeper body. The suction hose extends through the space between the front wheels. A suction device is provided for drawing the debris from the nozzle into the container. At least one brush is coupled to the forward end of the sweeper body for sweeping debris from a ground surface.

Support for the amendments of Claim 1 is found at least in Fig. 3 and in the specification at ¶¶ 0024-0027.

The '404 application discloses a self-propelled sweeper vehicle having front steerable wheels mounted on a centrally pivoted axle assembly which also carries a nozzle and brush gear, whereby these assemblies are steered in unison with the vehicle.

The '404 application does not teach, show, disclose, or suggest an axle apparatus comprising a plurality of axle members arranged to surround and define a space between the front wheels, with a suction hose extending through the space between the front wheels, as presently claimed. The '404 application does not contain a wealth of detail concerning the axle structure and arrangement of the centrally pivoted axle assembly. Though p. 5, lines 26-27 of the '404 application, as cited by the Examiner, do teach that a nozzle 30 is located (presumably in a space) between the front steerable wheels 16, the '404 application is completely silent on the structures defining or surrounding that space in which the nozzle is located. Moreover, and as is apparent from at least Fig. 1 of the '404 application, the nozzle (element 30) of the suction hose is not surrounded or enclosed in any manner by the axle assembly. Therefore, the '404 application does not anticipate Claim 1 under 35 U.S.C. § 102(b) and the Examiner's rejection should be withdrawn.

As amended, Claim 12 recites, in a vacuum sweeper vehicle having a sweeper body including a frame, a container coupled to the sweeper body for receiving debris, a suction hose extending between a vacuum nozzle proximal a forward end of the body and the container, a suction device for drawing debris from

the nozzle into the container, at least one brush connected to a forward end of the sweeper body for sweeping debris from a ground surface, a pair of rear wheels supported at a rear end of the sweeper body, and a pair of steerable front wheels; an improvement comprising an axle apparatus attached to the frame, the axle apparatus supporting the pair of front wheels at the forward end of the sweeper body. The axle apparatus comprises a plurality of axle members arranged to surround and define a space between the front wheels whereby the suction hose extends through the space between the front wheels.

It is respectfully submitted that the '404 application does not teach, show, disclose, or suggest that the axle apparatus comprises a plurality of axle members arranged to surround and define a space between the front wheels whereby the suction hose extends through the space between the front wheels, as presently claimed. The remarks above pertaining to a similar limitation in Claim 1 are hereby incorporated by reference to the extent that such remarks are appropriately applied to Claim 12.

As amended, Claim 19 recites a vacuum sweeper vehicle comprising a sweeper body including a frame. A pair of front wheels are supported by an axle apparatus at a forward end of the sweeper body. The axle apparatus comprises a plurality of axle members arranged to surround and define a space between the front wheels. The axle apparatus comprises at least one axle member defining an elbow. A pair of rear wheels are supported at a rearward end of the sweeper body. A container is coupled to the sweeper body for receiving debris. A suction hose extends between the container and a vacuum nozzle proximal the forward end of the

sweeper body. The suction hose extends through the space between the front wheels. A suction device is provided for drawing the debris from the nozzle, into the container. At least one brush is coupled to the forward end of the sweeper body for sweeping debris from a ground surface.

It is respectfully submitted that the '404 application does not teach, show, disclose, or suggest that the axle apparatus comprises a plurality of axle members arranged to surround and define a space between the front wheels, and the suction hose extends through the space between the front wheels, as presently claimed. The remarks above pertaining to a similar limitation in Claim 1 are hereby incorporated by reference to the extent that such remarks are appropriately applied to Claim 19.

As amended, Claim 29 recites, in a vacuum sweeper vehicle having a sweeper body, a container coupled to the sweeper body for receiving debris, a suction hose extending between a vacuum nozzle proximal a forward end of the body and the container, a suction device for drawing debris from the nozzle into the container, and at least one brush connected to a forward end of the sweeper body for sweeping debris from a ground surface, a pair of rear wheels supported at a rear end of the sweeper body, and a pair of front wheels; an improvement comprising an axle apparatus supporting the pair of front wheels at the forward end of the sweeper body. The axle apparatus comprises a plurality of axle members arranged to surround and define a space between the front wheels whereby the suction hose extends through the space between the front wheels. The axle apparatus comprises

at least one axle member defining an elbow such that the axle member forms an included angle.

It is respectfully submitted that the '404 application does not teach, show, disclose, or suggest that axle apparatus comprises a plurality of axle members arranged to surround and define a space between the front wheels whereby the suction hose extends through the space between the front wheels, as presently claimed. The remarks above pertaining to a similar limitation in Claim 1 are hereby incorporated by reference to the extent that such remarks are appropriately applied to Claim 29.

Since each of Claims 2-3, 9, 13, 18, 20, and 34 are dependent upon one of Claims 1, 12, 19, and 29, these Claims are patentable at least by virtue of their dependency, as well as for the separate limitations therein, and allowance of Claims 1-3, 9, 12-13, 18-20, 29, and 34 is respectfully requested.

IV. Claim rejections under 35 U.S.C. § 103

The Examiner rejected Claims 7 and 24-25 under 35 U.S.C. § 103(a) as being unpatentable over the '404 application in view of German Patent No. 29613858, issued 24 October 1996 to Iseki (hereafter referenced as "the '858 patent"). The '404 application is deficient in teaching certain limitations of the instant claims, as set forth above. The '858 patent is inadequate to remedy these deficiencies. Moreover, since Claims 7 and 24-25 are each dependent upon one of Claims 1 and 19, which are believed to be patentable as previously discussed, these Claims are patentable at least by virtue of their dependency, as well as for the separate limitations therein, and allowance of Claims 7 and 24-25 is respectfully requested.

V. Allowable subject matter

The Applicant gratefully acknowledges the Examiner's indication that Claims 4-6, 10-11, 14-17, 21-23, 27-28, and 30-33 contain allowable subject matter. The Applicant respectfully requests postponement of the Examiner's requirement that Claims 4-6, 10-11, 14-17, 21-23, 27-28, and 30-33 be rewritten in independent form until such time as the Examiner has reviewed and commented upon the present amendments and remarks.

VI. Conclusion

The present amendment was not earlier presented because it was believed that the arguments submitted with the response to the Office Action dated 15 November 2006 overcame the rejections of the claims. The present amendment does not raise any new issues and does not require any further searching on the part of the Examiner. The present amendment places the application in condition for allowance and is believed to be clearly appropriate.

In view of the foregoing, reconsideration and allowance of this application are believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 20-0090. Please also credit any overpayments to this Deposit Account.

Respectfully submitted,

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